

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

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CENTRAL BROWN COUNTY WATER AUTHORITY,

Plaintiff,

Case No. 09-C-131

v.

Hon. William C. Griesbach

CONSOER, TOWNSEND, ENVIRODYNE,

Defendant.

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**JULY 2, 2012 DECLARATION OF JAMES E. BRAZA**

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James E. Braza, declares as follows:

1. I am an attorney duly licensed to practice law in Wisconsin and am one of the attorneys for the defendant Consoer, Townsend, Envirodyne (CTE) in this action. I make this declaration based on my own personal knowledge and upon review of records in my possession.

2. Attached as Exhibit A are true and correct copies of excerpts of the deposition transcript of Robert Michaelson that are cited in CTE's brief in support of its motion for partial summary judgment.

3. Attached as Exhibit B are true and correct copies of excerpts of the deposition transcript of Gary L. Rosenbeck that are cited in CTE's brief in support of its motion for partial summary judgment.

4. Attached as Exhibit C are true and correct copies of excerpts of the deposition transcript of Paul Damon that are cited in CTE's brief in support of its motion for partial summary judgment.

5. Attached as Exhibit D is a true and correct copy of deposition exhibit 329, which is a August 29, 2011 Pressure and Leak Test Report prepared by McMahon Inc.

6. Attached as Exhibit E is a true and correct copy of deposition exhibit 330, which is a July 20, 2011 Pressure and Leak Test Report prepared by McMahon Inc.

7. Attached as Exhibit F is a true and correct copy of deposition exhibit 365, which is the January 28, 2010 Settlement Agreement between the Central Brown County Water Authority (Authority) and S.J. Louis Construction, Inc.

8. Attached as Exhibit G is a true and correct copy of deposition exhibit 384, which is the Authority's itemization of costs claimed for butterfly valve investigation identified in Item 5 of its Rule 26 Supplemental Disclosures on damages.

9. Attached as Exhibit H is a true and correct copy of deposition exhibit 392, which is the Authority's 2012 Annual Budget and Member Cost Allocation.

10. Attached as Exhibit I is a true and correct copy of deposition exhibit 407, which is a May 11, 2007 letter from David J. Vaclavik at the Authority to Michael Winegard at CTE.

11. Attached as Exhibit J is a true and correct copy of deposition exhibit 408, which is an August 21, 2007 letter from David J. Vaclavik at the Authority to Michael Winegard at CTE.

12. Attached as Exhibit K is a true and correct copy of deposition exhibit 477, which is the Authority's May 21, 2012 Rule 26 Supplemental Disclosures on damages.

13. Attached as Exhibit L is a true and correct copy of the November 16, 2009 expert report prepared for the Central Brown County Water Authority (Authority) by Neill J. Hampton, excluding attachments.

14. Attached as Exhibit M is a true and correct copy of the November 16, 2009 expert report prepared for the Authority by Dr. Patricia D. Galloway, excluding attachments.

15. Attached as Exhibit N is a true and correct copy of the Authority's Amended Answer and Counterclaim against S.J. Louis Construction, Inc. filed in Brown County Case No. 08-CV-1703.

16. Attached as Exhibit Q is a true and correct copy of Honorable J.D. McKay's April 22, 2011 decision and order on the Authority's motion for partial summary judgment in Brown County Case No. 08-CV-3152.

17. Attached as Exhibit P is a true and correct copy of the Honorable J.D. McKay's June 3, 2011 order staying Brown County Case No. 08-CV-3152 and enforcement of the April 22, 2011 decision and order pending resolution of the above-captioned matter.

18. Attached as Exhibit Q is a true and correct copy of deposition exhibits 352 and 353, which are the July 20, 2004 Water Purchase and Sale Agreement and the August 20 2009 First Amendment thereto between the Authority and the Manitowoc Public Utilities and the City of Manitowoc.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING  
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: July 2, 2012.

s/ James E. Braza

James E. Braza